

**FILED  
UNDER  
SEAL**

Prob12C  
D/NV Form  
Rev. March 2017

United States District Court  
for  
the District of Nevada

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PETITION FOR SUMMONS  
FOR OFFENDER UNDER SUPERVISION

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Name of Offender: **Erik Rojo**

Case Number: **2:23CR00216**

Name of Sentencing Judicial Officer: **Honorable Michael W Fitzgerald**

Date of Original Sentence: **December 9, 2019**

Original Offense: **Assault on a Federal Officer Resulting in Bodily Injury**

Original Sentence: **24 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **April 25, 2023**

Date Jurisdiction Transferred to District of Nevada: **November 16, 2023**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

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PETITIONING THE COURT

☒ To issue a summons:

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The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Refrain From Unlawful Use of Controlled Substance (Mandatory Condition)** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from custody and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the Probation Officer.

Rojo failed to report for scheduled drug testing on the following dates:

- a) September 30, 2023
- b) December 29, 2023
- c) February 3, 2024
- d) February 16, 2024

**RE: Erik Rojo**

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Rojo tested positive for marijuana on the following dates:

- e) January 29, 2024
- f) February 20, 2024
- g) February 28, 2024
- h) March 5, 2024
- i) On March 8, 2024, Rojo failed to submit a valid urine sample and his test was subsequently marked as a STALL.

**2. Pay Fine and or Restitution (Mandatory Condition) – Restitution shall be due during the period of imprisonment, at a rate of not less than \$25 per quarter, and pursuant to the Bureau of Prisons' Inmate Financial Responsibility Program. If any amount of the restitution remains unpaid after release from custody, nominal monthly payments of at least 10% of defendant's gross monthly income but no less than \$50, whichever is greater, shall be made during the period of supervised release and shall begin 30 days after the commencement of supervision. Nominal restitution payments are ordered as the Court finds that the defendant's economic circumstances do not allow for either immediate or future payment of the amount ordered.**

- a) On January 26, 2024, Rojo signed a payment agreement letter, which directed him to start making monthly payments of \$173 starting on February 1, 2024. As of the date of this report, Rojo has failed to make a single payment toward his restitution or mandatory penalty assessment.

**U.S. Probation Officer Recommendation:**

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the  
information contained herein is true and correct,

Executed on **March 11, 2024**

Digitally signed by

Cecil McCarroll

Date: 2024.03.13

13:27:14 -07'00'

Cecil McCarroll  
United States Probation Officer

**RE: Erik Rojo**

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Approved:

A handwritten signature in black ink, appearing to read "Brian Blevins", is written over a horizontal line.

Digitally signed by Brian  
Blevin  
Date: 2024.03.13 11:36:34  
-07'00'

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Brian Blevins  
Supervisory United States Probation Officer

**RE: Erik Rojo**

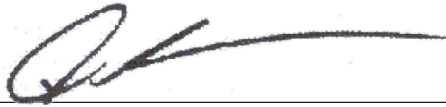
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***THE COURT ORDERS***

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- ☐ No Action.
- ☐ The issuance of a warrant.
- ☒ The issuance of a summons.
- ☐ Other:



\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
March 14, 2024

Date

**RE: Erik Rojo**

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA  
UNITED STATES V. ERIK ROJO, 2:23CR00216**

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**SUMMARY IN SUPPORT OF PETITION FOR SUMMONS  
March 11, 2024**

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On December 9, 2019, Rojo was sentenced to twenty-four (24) months custody to run consecutive to case 2:15CR00180 followed by thirty-six (36) months supervised release to run concurrent with case 2:15CR00180 for committing the offense of Assault on a Federal Officer Resulting in Bodily Injury. Prior to this conviction, Rojo's criminal history consisted of a conviction for Attempt Carrying Concealed Firearm or Other Deadly Weapon (gross misdemeanor) on February 12, 2015, and a conviction for Use of Firearm During and in Relation to a Crime of Violence (felony) on June 7, 2015. On September 6, 2023, Rojo began his supervised release in the District of Nevada.

Rojo began his supervised release doing very well. He has been living with his family since the start, working full time, and was enrolled in drug testing and treatment. As noted above, on January 29, 2024, Rojo received his first positive drug test for marijuana. The undersigned addressed this with him, and he admitted smoking marijuana the weekend prior. Rojo was admonished and reminded that marijuana use while on supervision is a violation of his conditions.

On February 20, 2024, Rojo tested positive for marijuana again. The undersigned addressed this with him, and he admitted smoking again the weekend prior. Rojo reported stress in his life and felt he needed to use to alleviate the stress. Rojo was again admonished for the marijuana use and the undersigned discussed relying on his counselor among other things to help with the stress.

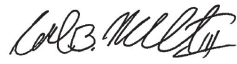
On February 28, 2024, Rojo again tested positive for marijuana. Rojo admitted smoking marijuana again after his February 20<sup>th</sup> positive and stated that he used because he is stressed again. The undersigned then directed Rojo to report to the probation office on March 5, 2024, to address this third positive. It was the undersigned's intention during this meeting to recommend a sanction for his now third positive. Rojo did report as directed and submitted another drug test that was positive for marijuana. When addressed, he admitted to smoking marijuana again on March 3, 2024.

Given that Rojo has now tested positive for marijuana, a controlled substance, four (4) times within a twelve (12) month period, the undersigned has no choice but to request a summons be issued so that Rojo may appear before the Court to address these violations.

**RE: Erik Rojo**

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Respectfully submitted,

Digitally signed  
by Cecil McCarroll  
  
Date: 2024.03.13  
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Cecil McCarroll  
United States Probation Officer

Approved:

Digitally signed by  
Brian Blevin  
  
Date: 2024.03.13  
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Brian Blevins  
Supervisory United States Probation Officer